

Meeting of 2000-3-1 Special Meeting

MINUTES  
SPECIAL CALLED MEETING  
LAWTON CITY COUNCIL  
MARCH 1, 2000 - 10:00 A.M.  
LAWTON LANDFILL

Mayor Cecil E. Powell, Also Present:  
Presiding Bill Baker, City Manager  
John Vincent, City Attorney  
Brenda Smith, City Clerk

The meeting was called to order at 10:00 a.m. by Mayor Powell in a shop room at the Lawton Landfill. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One  
Glenn Devine, Ward Three  
John Purcell, Ward Four  
Robert Shanklin, Ward Five  
Stanley Haywood, Ward Seven

ABSENT: Richard Williams, Ward Two  
Charles Beller, Ward Six  
Randy Warren, Ward Eight

BUSINESS ITEM:

MEET WITH DEQ REGARDING LANDFILL

Mayor Powell said this meeting has been called and it is no secret there have been concerns and statements have been made, valid or invalid, about discrepancies at the landfill that needed to be addressed and he hoped the air would be cleared. He said Council requested we have DEQ investigate the landfill and address the concerns that have been brought up by individuals and that is the purpose of this meeting. He asked if there were any errors in his statements and there was no response.

Staff from the Department of Environmental Quality were: John Roberts, Compliance Supervisor for Solid Waste Division; John Kinoski, Permit Engineer for Lawton's Landfill; Greg Garber, Supervisor of Permitting Group; Don Barrett, Chief Engineer for Waste Management Division; Catherine Dillon, Inspector; Richard McDaniel and Don Pendergraph from the Lawton DEQ office.

Roberts said they were here to try to answer questions about the landfill and that they were not aware of any type of investigation they were supposed to do for the landfill. He said it was their understanding that they were to come down to answer questions about the operation.

Mayor Powell said maybe he said that wrong and he welcomed the guests and said he appreciated their attendance. He said they were not asking DEQ to do an investigation but there are concerns and we are here to put that to rest.

Purcell said there have been allegations that we are dumping trash in the wrong location or improperly. He said he knew DEQ inspected and they probably would have caught that. Purcell said when they go on site, he wanted that area pointed out and his question will be is this proper or not.

Shanklin said he did not know that we had to go on site if we had the plan for the landfill. He said some of this originated from a call from Senator Nickles' office that an individual was concerned that we may be doing something wrong, and one of them was that DEQ let contaminated dirt come into our landfill and we put it on the slopes and it was there for eight months. He said there was concern that we may be putting our waste stream in an area, and he knew it was in the grandfathered-in area that we call trashmore and how much of that can we bring over and cover up the liner in cell one.

Shanklin said he remembered going in cell one in 1996 and thought it was in a straight line, now he understood it was designed in a hip and he did not remember that. He said we do not want anything to be wrong with our landfill but we do not want someone going to EPA with something they maybe have not told us. Shanklin said, for instance, we have one

individual who was here 15 years and the heat got so bad he quit and another individual had strong concerns and he is not here. He said we do not want anything to be wrong and we want to put everything to rest but if we have done something, if we tore up the liner and did not tell DEQ and people got wrote up for tearing up the liner; are we covering from the three foot fill on that liner using it for cover when we should not be and we can stop it if it is serious enough out of compliance. Shanklin said there are too many reasons for us not to have DEQ here and the news media, we have done it, we will fix it if it is not okay, and if we have done nothing wrong, great. Ihler presented the landfill plans.

Shanklin said he talked to Ms. Dillon and she inspected the landfill and if the DEQ group went over it, he did not know what to look for. He said we have a couple of tanks down there, a holding pond and a leachate pond and he would not know whether they were good, bad or indifferent, but it would be easy to make a visual check to see. Shanklin said the only thing that bothered him was the money we will spend on cells two and three for them to be not conclusive as to keeping the leachate, he did not understand the cost. He said if water run off can get in the other cell footprint, we still are letting our leachate get to the creeks and that is defeating the purpose. Shanklin said he did not know how we could put this in a balloon with our existing landfill being grandfathered in and all tied together. He said this is a lot of money we have to put on the taxpayers and we have to move this building to the north and can we put it there - some say we cannot disturb the soil to the north in the closed part of the landfill. Shanklin said he would be considered the instigator of this whole operation and he was not ashamed of it and wanted it to come out clean, but there are allegations and he wanted them cleared up and for no doubts to remain.

Ihler suggested DEQ representatives explain Subtitle D regulations. He said we have two permitted areas; we have the area where we can place trash in cell one as part of Subtitle D, then the area we can put trash that is east of the lined cell one and we are permitted there and have requested vertical expansion for that. Ihler said it would be good to have an explanation of what happens when the new regulation goes into effect and the fact that you can use the existing area because it is still under permit. He said the concern he had heard was one area is lined and another is not and an explanation of that would help.

Mayor Powell said trash is getting higher and higher on trashmore and then comes down underneath the liner of cell one, and that is one of the concerns. He said another concern is how far north can we go. Ihler said he had the surveyors set poles or stakes based on our legal description of the permitted area and you can see them out there.

Mayor Powell said the concerns he had heard were can it go underneath the liner; how far to the north can it go; and about the contaminated soil that was brought in and where was it put, how was it covered up and how long; and can this building be put on the footprint to the north.

Ihler said we have two areas to the north, the area where we are planning on putting the building is closed, not in post closure but closed, and then we have an area to the east that is closed and in post closure and we are planning to move to the area that is closed and not in post closure.

Roberts said Subtitle D requirements apply to each landfill in the state; questions concerning liners between cells tied into each other will be answered by the engineers. He said they should be able to take care of all of the concerns today for you. Roberts said Subtitle D became effective in 1994, it is a federal EPA requirement that each state could adopt or not and then the EPA would enforce it; Oklahoma became authorized to implement Subtitle D. Roberts said the most significant change from Subtitle D as opposed to the previous regulation has to do with the liner system that is installed under the landfill. Any new disposal area required a composite liner and leachate collection system. A composite liner is composed of three feet of clay with a plastic material over the top of it, then the leachate collection system is piping that is installed over the plastic to transport water and keep it from getting into ground water.

Roberts said Subtitle D did not require landfills to close their pre Subtitle D areas and open new areas that complied; whatever the footprint or permitted waste disposal area, wherever waste was located on April 9, 1994, all the landfills were allowed to build on top of those areas but if they moved to a new area that did not previously have waste, they had to install composite liners and the leachate collection system. He said when we refer to the footprint we are referring to the waste disposal area as of April 9, 1994, and landfills can build up on top of those if they get a permit modification to go higher, but moving laterally requires the whole process.

Roberts said financial assurance is also part of Subtitle D and each landfill is to post an appropriate amount of money and it is geared toward those who would abandon the landfill and not do the proper closure. He said it is to have money set aside so if the state has to do that activity, there will be money set aside to do that so the state will not have to end up paying to close an abandoned landfill. Roberts said each landfill was required to give an estimated cost to close the landfill and then perform the 30-year post closure monitoring period, which is the period after the landfill stops taking waste that it is monitored to be sure it does not leak and contaminate the ground water and if it does, appropriate action can be taken before it gets out of hand. He said the EPA decided in 1997 that financial assurance was needed for closure and post closure.

Barrett said cells which were in operation where operation had ceased and they went to closure, there is an eight-year post closure period after the operating cells were closed and Lawton's closed cell has now passed out of the eight-year post closure period, so it is an unregulated piece of ground from DEQ's perspective. Ihler said we have one area beyond that and one which is in it.

Mayor Powell asked what was meant by unregulated and asked if we could put trash there. Barrett said you would have to

apply for a permit just like it was a new piece of ground but as far as regulating the ground, it has passed out of the regulation. Ihler said the three areas are categorized as active landfill, area in post closure for the eight-year period, and then the area that is closed not in post closure and therefore not regulated. Ihler said the area referred to as mount trashmore, those areas are active, permitted areas; directly to the north of mount trashmore, that area is in post closure, and the area north of the building they are in at this time is closed not in post closure and that is where we want to put the building temporarily until the new building is constructed.

Roberts said the area north of here is out of post closure and technically not regulated by DEQ but he would recommend, since it was closed with a clay cap to keep water from getting in, that whatever means are taken to try to at least preserve that cap as much as possible because the idea is to keep the water out, even though it is out of post closure and is technically not regulated but the cap is still serving the purpose of trying to keep the water out so you would want to minimize any kind of damage to the cap. He said another issue in Subtitle D is ground water monitoring; all landfills were required to install a ground water monitoring system and a methane gas monitoring system. The ground water is to detect contamination of ground water that may be coming from the landfill, and the gas monitoring system is the perimeter gas probes designed to detect gas that may be moving away from the disposal area toward the permitted boundary and you do not want it to get off the permitted boundary where it may start causing health concerns and danger to property outside the permitted disposal area.

Haywood asked if water can get out and contaminate the creek and if it would be able to reach the creek. Barrett said it is a hard question to answer and he was looking at the plans; the landfill if it were planned to discharge would have to have a DEQ water quality discharge permit and he cannot answer whether it does or not. Ihler said we have a leachate collection pond that is part of Subtitle D, then two sedimentation ponds for the run off. Barrett said the design of the leachate pond is to evaporate, and surface storm water runoff does not come in contact with the waste discharge to the creek. Ihler said it has overflow structure if we get a large storm. Barrett said if a permit was required, you would have it and it would be separate from the leachate.

Haywood asked how far will the water go. He said for years things have been contaminated around landfills, but can it go two miles or four miles. Pendergraph said the water that comes as rain and runs off is collected in the run off pond and if anything is discharged there are parameters were it must be tested; the other part is what about going down through the soil and traveling under ground to the creek or wells and that has been checked in the past. Barrett said the liner under the landfill is to collect the leachate and take it to the leachate collection pond so it can evaporate away so it is not supposed to come into contact with ground water. Ihler said he may be asking about pre-Subtitle D and Barrett said if it is pre-Subtitle D, that is a possibility.

Shanklin said if trashmore was independent and not next to cells one, two or three, are you saying we would collect 100% of leachate and take it to the pond. Barrett said 100%. Shanklin asked how it can be 100% if we are going to bring trashmore up and all the way to cell three. Ihler said you are confusing storm water runoff with leachate collection runoff and we do want to expand to the south where we own property and as we go to the south and design it and we have RFP's out for a consultant and we will build leachate collection ponds from that area also. Shanklin said he was talking about trashmore and the slope to cell one, that area we are filling right now, it does not have a liner and that can go to ground water from now on. Ihler said pre-Subtitle D does not have liners.

Purcell said as long as we continue to put trash in what they are calling mount trashmore and it is within the original pre-Subtitle D footprint, we are legitimate in doing that and there is nothing wrong with that. Roberts said that is correct. Roberts said he did not know exactly what the permit said but the height of the cell is whatever is authorized in the permit and you can go up to that height.

Purcell said the perception or allegation was because we were doing things on the old, pre- Subtitle D area, that water could seep through and because it was not lined, it would obviously get into the ground water but nothing can be done about that. Roberts said he guessed it could. He said on previous cells before Subtitle D, they were required to install some kind of a clay liner system, it did not have the plastic on top and the clay had to be a certain thickness with low permeability, the idea being that it would hopefully prevent any leachate from soaking through and getting into ground water, and that was the design in pre-Subtitle D, then Subtitle D just strengthened the requirements and part of the ground water monitoring system around the landfill should be monitoring not only the new Subtitle D cells but any active pre-Subtitle D cells so that hopefully any ground water contamination would be detected early enough so it could be addressed before it got too far down stream.

Barrett said where you have an old cell abutting a new one, and there is a side slope on the old area, DEQ requires some kind of a separation barrier between the old and new trash because the Subtitle D requirement says that any leachate generated from waste after 1994 must be contained and managed, so in order to minimize the infiltration of that leachate, we ask that a barrier be placed so the leachate is collected and managed. Mayor Powell said that was one of his concerns, and he had heard that we have 10 to 15 feet over, as the liner comes out and folds down on the outside, would we not be on top of that liner so how could we ever close it. Ihler said we have a two foot clay liner required to separate those. Barrett said if it is being placed as you go up, we have a two foot liner in cell one. Mayor Powell said we should go on site to look at it.

The group went to the landfill site at 11 a.m. DEQ and staff pointed out and explained the location of the leachate collection pond and the barrier.

Purcell asked about the place where trash was being dumped that it was not supposed to be, and DEQ representatives said

it is was where the group was standing and that it was okay to put it here. Discussion was held about soil contaminated with petroleum products being placed on the slope and DEQ had tested it and asked the City to take the waste which was toxic but not hazardous waste.

Smith and Devine asked if everything was okay at the landfill. DEQ representatives said as far as health and the environment, it is fine; there are questions from Dillon's in-depth inspection. Dillon said she inspects quarterly and in-depth once each year. Ihler said we will be receiving notice of a violation and we are working on that and RFPs have been sent out to hire a consultant who will have 60 days to finish it; as soon as we were aware we were working on it. Dillon explained gas monitoring requirements, EPA limits and felt the two tier testing would show Lawton at below 50, which is a standard used in testing.

DEQ complimented the City staff on the condition of the landfill, pointing out there have been strong winds for two days and the resulting litter from the landfill has been contained well.

#### COMMENTS

Purcell said a special Council meeting is needed on Wednesday or Thursday regarding negotiations.

Shanklin said he wanted the newspaper reporter to understand that if we are permitted for cells two and three, we will have seven years of estimated life for the landfill and it will cost \$4.5 million for cells two and three to get permitted. Ihler said cell one has about a year left.

There was no further discussion and the meeting adjourned at 11:20 a.m.